

### **REMARKS**

The Office Action dated April 15, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3-8, 10-21, and 29-36 are pending in the application. Claims 13-21 and 29-36 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 37 has been added. No new matter is added. Applicant submits the pending claims for consideration in view of the following.

#### **Allowable Subject Matter**

Claims 4-5, 11, 16-18, and 30-31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Applicant appreciatively acknowledges the examination of the claims.

#### **Double Patenting Rejection**

Claims 1, 3-8, 10-21, and 29-36 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of Partanen (US 6,788,676). Applicant kindly points out that the Office Action has not made a *prima facie* rejection of double patenting.

Similar to the pending case, Partanen is assigned to Nokia Corporation. Also, Partanen was filed on October 30, 2002, whereas the present application was filed before Partanen, on February 13, 2002. Addressing such a scenario, MPEP §804 (II)(B)(1)(b) indicates that, “[i]f the patent is the later filed application, the question of whether the timewise extension of the right to exclude granted by the patent is justified or unjustified must be addressed.” The MPEP goes on to explain that a two-way obviousness test is required when the applicant could not have filed the claims in a single application and there is administrative delay.

Additionally, as it took more than three years for the U.S.P.T.O. to issue a first Office Action, administrative delay clearly qualifies to this case. Also, the Office Action does not establish that the applications could have been filed together, and the lack of common inventors suggests that they could not have been filed together. On pages 2-3, the Office Action alleges that the applications could have been filed together because the limitations of the current application are supported by Partanen. However, this analysis fails to show that the current application and Partanen could have been filed together for at least the reason that the current application was filed before Partanen.

Accordingly, because there is an administrative delay and the Office Action failed to demonstrate that the current application and Partanen could have been filed together, the Office Action must apply the two-way obviousness test. This test is performed by applying the *Graham* obviousness analysis twice, once with the current application claims as the claims in issue, and once with the Partanen claims as the claims in issue.

On pages 2-4, the Office Action alleges to have performed this two-way obviousness test by asserting that all the claims of current application correspond to claims in Partanen, except for one phrase which is held to be obvious, and by asserting that two phrases from a Partanen claim “encompass” two phrases of the application claims. As such, the Office Action must demonstrate the two-way obviousness test required by MPEP §804 (II)(B)(1)(b).

Therefore, Applicant kindly requests that this rejection be withdrawn. Or, in the alternative, Applicant kindly requests that a subsequent Office Action provide a complete two-way obviousness test so that Applicant may fully understand the position taken by the USPTO regarding this double patenting rejection.

#### **§102(a) Rejection**

Claims 1, 3-8, 10-21, and 29-36 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy et al. (US 2004/0252683, hereinafter “Kennedy”). The Office Action took the position that all the limitations of the rejected claims are disclosed or suggested by Kennedy. Applicant respectfully submits that Kennedy fails to anticipate the rejected claims.

Claim 1, upon which claims 3-8 and 10-12 depend, is generally directed to a method that includes receiving a message from a terminal device connected to a packet data network, deriving a first source information from said message, and deriving a second source information. The method also includes comparing said first source information and second

source information, initiating a protection processing based on a result of said comparing, and providing secure access to said packet data network based on said protection processing.

Claim 13, upon which claims 14-21 and 29-25 depend, is generally directed an apparatus that includes a receiving unit configured to receive a message from a terminal device connected to said network element, a deriving unit configured to derive a first source information from said message, and to derive a second source information, and a comparing unit configured to compare said first source information and second source information. The apparatus also includes a protecting unit configured to initiate a protection processing based on a comparing result of said comparing unit and to provide secure access to a packet data network based on said protection processing.

Claim 36 is generally directed to a receiving means for receiving a message from a terminal device connected to said network element, a deriving means for deriving a first source information from said message, and for deriving a second source information, and a comparing means for comparing said first source information and second source information. The apparatus also includes a protecting means for initiating a protection processing based on a comparing result of said comparing means and for providing secure access to a packet data network based on said protection processing.

Claim 37 is generally directed to a computer program embodied on a computer-readable medium. The computer program is configured to control a processor to perform operations that include receiving a message from a terminal device connected to a packet data network, deriving a first source information from said message, and deriving a second

source information. The operations also include comparing said first source information and second source information, initiating a protection processing based on a result of said comparing, and providing secure access to said packet data network based on said protection processing.

Each of the foregoing claims recites limitations that are not disclosed or suggested by Kennedy.

Kennedy generally discloses a system for resolving addressing in a network including a network address translator. In Kennedy, the system makes a determination upon initiation of a communication session as to whether one or more nodes are behind a network address translator (NAT). Based on the outcome of the determination, information may be exchanged from an independent application server to the nodes included in the session so as to resolve the addressing problems introduced by the NAT.

However, Kennedy fails to disclose or suggest, at least, “comparing said first source information and second source information” and “initiating a protection processing based on a result of said comparing,” as recited in claim 1, and as similarly recited in claims 13 and 36-37.

In support of this rejection, the Office Action cites to paragraphs [0062-0067] of Kennedy. However, these paragraphs do not teach, for example, a protection processing based on the result of a comparison of a first source information derived from a received message of a terminal device and a derived second source information. Instead, these paragraphs discuss a calling sequence for performing NAT address resolution in a SIP

application, primarily for avoiding delays in multimedia session communications. For this purpose, the Kennedy system exchanges special messages between different network nodes on behalf of the controller, where additional fields (headers, cf. paragraphs [0065-0066]) containing IP addresses are added to messages. By comparing these IP addresses the controller determines whether one or more nodes included in a session are behind a network address translator.

In contrast thereto the present application relates to the problem of providing secure network access without using additional fields and without sending additional special messages. Due to the fact that the “comparison” of the present application is based on source information derived from an existing message itself or from a source information available at the concerned “protection” element of the network, there is no need for the involved network elements to send additional special messages with added fields.

Accordingly, Kennedy fails to disclose “comparing said first source information and second source information” and “initiating a protection processing based on a result of said comparing,” as recited in claim 1, and as similarly recited in claims 13 and 36-37. Therefore, Applicant respectfully requests that the rejection of claims 1, 13, and 36-37 be withdrawn. Furthermore, Applicant respectfully requests that the rejection of claims 3, 6-8, 10, 12, 14-15, 19-21, and 29-35 be withdrawn for their dependency from claims 1 and 13 and for the patentable subject matter recited therein.

**Conclusion**

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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